

**THURSDAY, FEBRUARY 19, 1998**

**SIXTY-SIXTH LEGISLATIVE DAY**

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Reverend Cass Farrior, Virginia Avenue Baptist Church, Bristol, Tennessee.

Representative Godsey led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present ..... 99

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Churnney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

**PERSONAL ORDERS**

**RULES SUSPENDED**

Rep. Williams moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 516 out of order, which motion prevailed.

**House Joint Resolution No. 516** -- Memorials, Sports - 1997 Battle Ground Academy football team, TSSAA Division 2, Class A state champion. by \*Sargent, \*Williams (Williamson).

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Williams, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes ..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

### RULES SUSPENDED

Rep. Boner moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 539 out of order, which motion prevailed.

**House Joint Resolution No. 539** -- Memorials, Sports - 1997 Goodpasture Christain School baseball team, TSSAA Class A state champions. by \*Boner.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Boner, the resolution, with the request that all members voting aye be added as sponsors, was adopted by the following vote:

Ayes ..... 96  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

### SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Resolution No. 141:** Rep(s). Langster as prime sponsor(s).

**House Resolution No. 158:** Rep(s). Rinks as prime sponsor(s).

**House Joint Resolution No. 534:** Rep(s). Garrett as prime sponsor(s).

**House Bill No. 1061:** Rep(s). Langster and Pruitt as prime sponsor(s).

**House Bill No. 1446:** Rep(s). Miller as prime sponsor(s).

**House Bill No. 1520:** Rep(s). Goins, Newton, Haley, Walker(Blount) and Kerr as prime sponsor(s).

**House Bill No. 2099:** Rep(s). Pleasant and Caldwell as prime sponsor(s).

**House Bill No. 2108:** Rep(s). Jackson as prime sponsor(s).

**House Bill No. 2138:** Rep(s). Stulce, Boyer and Walker(Blount) as prime sponsor(s).

**House Bill No. 2188:** Rep(s). Newton and Fitzhugh as prime sponsor(s).

**House Bill No. 2230:** Rep(s). Brooks as prime sponsor(s).

**House Bill No. 2351:** Rep(s). Newton as prime sponsor(s).

**House Bill No. 2363:** Rep(s). L. DeBerry as prime sponsor(s).

**House Bill No. 2560:** Rep(s). Newton as prime sponsor(s).

**House Bill No. 2621:** Rep(s). Mumpower and Godsey as prime sponsor(s).

**House Bill No. 2657:** Rep(s). Dunn as prime sponsor(s).

**House Bill No. 2931:** Rep(s). Newton as prime sponsor(s).

**House Bill No. 3152:** Rep(s). Newton and Fitzhugh as prime sponsor(s).

**House Bill No. 3154:** Rep(s). Newton as prime sponsor(s).

**House Bill No. 3203:** Rep(s). West as prime sponsor(s).

**House Bill No. 3363:** Rep(s). Pruitt as prime sponsor(s).

**SPONSORS REMOVED**

On motion, Rep(s). Eckles was/were removed as sponsor(s) of **House Bill No. 3011**.

**MESSAGE FROM THE SENATE**  
**February 19, 1998**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 516; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**February 19, 1998**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2224; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Bill No. 2224** -- Commerce and Insurance, Dept. of - Permits division of regulatory boards to assess departmental costs incurred during disciplinary proceedings upon sanctioned person or entity. Amends TCA Title 56, Chapter 1, Part 3. by \*Ramsey, \*Atchley.

**ENGROSSED BILLS**  
**February 19, 1998**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 516 and 539.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**February 19, 1998**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3210; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**February 19, 1998**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 465; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 465** -- Naming and Designating - Brotherhood/Sisterhood Week - February 15-21, 1998. by \*Haynes, \*Henry.

**REPORT OF CHIEF ENGROSSING CLERK**  
**February 19, 1998**

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 503, 506, 508, 509, 510, 524, 526 and 532.

BETTY KAY FRANCIS, Chief Engrossing Clerk.



**MESSAGE FROM THE SENATE**  
**February 19, 1998**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 503, 506, 508, 509, 510, 524, 526 and 532; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**INTRODUCTION OF RESOLUTIONS**

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

**\*House Resolution No. 156** -- General Assembly, Directed Studies - Continues special committee to study availability and pricing of day care in Tennessee and other related topics. by \*Arriola, \*Scroggs, \*Caldwell, \*McMillan, \*Brown.

Health & Human Resources Committee

**House Resolution No. 157** -- Naming and Designating - "Ramp Festival Day," May 3, 1998. by \*Davis R, \*Huskey.

Calendar & Rules Committee

**\*House Joint Resolution No. 536** -- General Assembly, Studies - Extends final reporting deadline of forest management advisory panel created by SJR 230 to December 15, 1998. by \*Givens.

Agriculture Committee

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for February 23, 1998:

**House Joint Resolution No. 540** -- Memorials, Personal Occasion - J. R. and Frances Ellis, 60th wedding anniversary. by \*Davidson.

**INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 3371** -- McKenzie - Subject to local approval, authorizes levy of hotel/motel tax in McKenzie, the boundaries of which lie wholly within Carroll County. by \*Maddox.

**DELAYED BILLS REFERRED**

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 3373, was/were referred to the Delayed Bills Committee.

**\*House Bill No. 3373** -- Sexual Offenses - Revises definition of "child rape"; requires treatment for activity of "sexual experimentation" for children under 12. Amends TCA Title 37 and Title 39, Chapter 13, Part 5. by \*DeBerry L.

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**Senate Bill No. 2230** -- Unemployment Compensation - Allows claimant to receive full benefits in same week receive pension payment if pension is rolled into IRA. Amends TCA 50-7-303(a)(8)(A)(I). by \*Eisea, \*Atchley.

**Senate Bill No. 2238** -- Taxes - Tolls 90 day period for filing lawsuit when taxpayer requests conference with commissioner challenging tax assessment. Amends TCA Section 67-1-1801. by \*McNally, \*Atchley.

**\*Senate Bill No. 2252** -- Bond Issues - Authorizes Bedford County utility district, acting by resolution, to issue and sell revenue bonds in an amount not to exceed \$2.7 million for purpose of building and operating waste water treatment plant and water and sewer lines. by \*Womack.

**Senate Bill No. 2303** -- Regional Authorities - Authorizes human resource agencies to make contracts for purposes of obtaining financial assistance for acquisition, improvement, construction, operation, maintenance or repair of facilities. Amends TCA Title 13, Chapter 26, Part 1. by \*Haun.

**\*Senate Bill No. 2428** -- Economic and Community Development - Authorizes Hamilton County and its cities to participate in Central Business Improvement District Act of 1990 Amends TCA Section 7-84-530. by \*Crutchfield, \*Fowler.

**\*Senate Bill No. 2431** -- Election Laws - Requires candidate for municipal office to file nominating petition with county election commission where municipality located; if city in more than one county, requires filing in county where city hall located. Amends TCA 2-5-104. by \*Crutchfield.

**\*Senate Bill No. 2474** -- Weights and Measures - Authorizes commissioner of agriculture to determine qualifications of applicants to service weighing or measuring devices based upon examination of applicant's knowledge; changes late fee after grace period to \$25.00 instead of \$25.00 per month. Amends TCA Title 47, Chapter 26. by \*Miller J.

**\*Senate Bill No. 2485** -- Firearms and Ammunition - Clarifies that permit to carry firearm not defense to illegal possession or carrying of firearm under applicable hunting and fishing laws. Amends TCA Title 39, Chapter 17, Part 13. by \*Williams.

**THURSDAY, FEBRUARY 19, 1998 -- SIXTY-SIXTH LEGISLATIVE DAY**

**\*Senate Bill No. 2525** -- Coon Dog Laws - Authorizes coon dog training on a year-round basis in Humphreys County Amends TCA Section 70-4-122. by \*Springer.

**Senate Bill No. 2903** -- Highway Signs - "Bledsoe Creek State Park," I-40, S.R. 109 Exit and U.S. 231 Exit; I-65, S.R. 109 Exit, S.R. 52 Exit and S.R. 25 Exit. by \*Graves, \*Haynes.

**REPORTS FROM STANDING COMMITTEES**

The committees that met on **February 19, 1998**, reported the following:

**COMMITTEE ON CALENDAR AND RULES**

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar for February 23, 1998**: House Bill(s) No(s).2274, 2688, 2076, 2351, 2609, 2121, 2591, 1262 and 2462.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar for February 23, 1998**: House Bill(s) No(s). 3035, 2481, 2483, 2614, 2216, 2221, 2071 and House Joint Resolution(s) No(s). 436.

**CONSENT CALENDAR**

**House Bill No. 2791** -- Statutes - Replaces references to "senate energy and natural resources committee" with present committee name of "senate environment, conservation and tourism committee." Amends TCA Section 4-3-1108; Section 11-4-201; Section 11-14-308; Section 67-4-409 and Section 70-1-201. by \*Cross. (\*SB2962 by \*Gilbert)

**House Bill No. 2191** -- County Officers - Sets salary for Hawkins County executive under general law formula rather than at general sessions court judges salary. Amends TCA Section 5-6-105. by \*Givens. (\*SB2203 by \*Williams)

On motion, House Bill No. 2191 was made to conform with **Senate Bill No. 2203**; the Senate Bill was substituted for the House Bill.

**\*House Bill No. 2138** -- Military - Revises name of Tennessee defense force to Tennessee state guard. Amends TCA Title 58, Chapter 1. by \*Robinson, \*McDaniel, \*White, \*Williams (Williamson), \*Wood, \*Garrett, \*Eckles, \*Arriola, \*Rhinehart, \*Pruitt, \*Davidson, \*Curtiss, \*Ferguson, \*Caldwell, \*Towns, \*Cooper B, \*Hassell, \*Scroggs, \*Newton, \*Haley, \*Bird, \*Beavers, \*Pleasant, \*Kernell, \*Langster, \*Bone, \*McDonald, \*Windle, \*Fowlkes, \*Hargrove, \*Kisber, \*Jones, S., \*McMillan, \*Turner (Hamilton), \*Boner. (SB2177 by \*Haynes, \*Henry, \*Harper, \*Burks, \*Miller J, \*Dixon, \*Womack)

On motion, House Bill No. 2138 was made to conform with **Senate Bill No. 2177**; the Senate Bill was substituted for the House Bill.

**\*House Bill No. 2437** -- Utilities, Utility Districts - Directs water utility district board of commissioners of Unicoi County to be comprised of three members. Amends TCA Section 7-82-307. by \*Whitson. (SB2573 by \*Haun)

**\*House Bill No. 2215** -- Unemployment Compensation - Allows claimant to receive full benefits in same week receive pension payment if pension is rolled into IRA. Amends TCA 50-7-303(a)(8)(A)(I). by \*Burchett, \*McDaniel, \*Walker (Rhea). (SB2230 by \*Eisea, \*Atchley)

On motion, House Bill No. 2215 was made to conform with **Senate Bill No. 2230**; the Senate Bill was substituted for the House Bill.

**House Bill No. 2117** -- Municipal Government - Establishes four year window for municipal clerk or recorder appointed after 7/1/94 to meet certification requirement Amends TCA Section 6-54-120. by \*Fowlkes. (\*SB2160 by \*Womack)

On motion, House Bill No. 2117 was made to conform with **Senate Bill No. 2160**; the Senate Bill was substituted for the House Bill.

**House Resolution No. 141** -- Naming and Designating - "Buffalo Soldier Day," February 20, 1998. by \*Bowers, \*Brooks, \*Armstrong, \*DeBerry L, \*Cooper B, \*Jones U (Shelby), \*DeBerry J, \*Miller L, \*Towns, \*Pruitt.

**House Resolution No. 158** -- Memorials, Public Service - Molly Meisenheimer, Germantown Lions' Citizen of the Year. by \*Scroggs.

**House Resolution No. 160** -- Memorials, Recognition and Thanks - Marshall County Chapter of American Red Cross, 80 years of service. by \*Fowlkes, \*Beavers.

**House Joint Resolution No. 533** -- Memorials, Personal Achievement - Walter A. Person, III, Eagle Scout. by \*Pleasant, \*Haley.

**House Joint Resolution No. 534** -- Memorials, Professional Achievement - Bill Hudson, 35th anniversary of Bill Hudson and Associates. by \*West.

**House Joint Resolution No. 535** -- Memorials, Death - James S. Simpson, Middleton banker and mayor. by \*Walley.

**House Joint Resolution No. 537** -- Memorials, Personal Occasion - Thelma and Mrvin Briley, Sr., 50th wedding anniversary. by \*Hood, \*Eckles.

**House Joint Resolution No. 538** -- Memorials, Death - Edith Arnold. by \*Goins, \*Cross.

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes..... 99  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

### REGULAR CALENDAR

**House Bill No. 2205** -- Judicial Officers - Requires court clerk's report on administrative fees and appointed counsel to be part of automated reporting provisions of Tennessee court information system or comparable system when implemented. Amends TCA Title 37, Chapter 1 and Title 40, Chapter 14. by \*Hargrove. (\*SB2173 by \*Kyle)

Rep. Hargrove moved that **House Bill No. 2205** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 2554** -- Taxes - Identifies investment property exempt from recordation tax on instrument evidencing indebtedness as being certificated or uncertificated security, security entitlement, securities account, commodity contract or commodity account, as added by Public Acts of 1997, Chapter 79, Section 5. Amends TCA Section 67-4-409(b). by \*Kisber, \*Rhinehart, \*Phelan, \*Fitzhugh. (\*SB2299 by \*McNally)

Rep. Kisber moved that **House Bill No. 2554** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	97
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 2790** -- Game and Fish Laws - Raises penalties for certain offenses; authorizes use of forfeited property in fish and wildlife programs. Amends TCA Section 70-4-102(c); Section 70-4-201(d); Section 70-6-202(b) and Title 70, Chapter 1, Part 1. by \*Cross. (\*SB2993 by \*Gilbert)

Rep. Cross moved that House Bill No(s). 2790 be reset for the Regular Calendar on February 26, 1998, which motion prevailed.

**House Bill No. 2787** -- Tennessee Wildlife Resources Agency - Authorizes executive director to establish agent fee, through competitive bidding contract procedures, for sale of licenses, permits and stamps by telephone or other electronic means. Amends TCA 70-2-106(b). by \*Cross. (\*SB2992 by \*Gilbert)

Rep. Cross moved that House Bill No. 2787 be passed on third and final consideration.

Rep. Fitzhugh moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2787 by adding the following new section before the effective date section and by renumbering the effective date section accordingly:

Section \_\_\_. Tennessee Code Annotated, Section 70-2-106(b), is amended by designating the existing language, as amended, as subdivision (1) and by adding the following new subdivision:

(2) The competitive bidding contract procedure used by the executive director shall include the issuance of full-color waterfowl stamps as validation for the resident waterfowl supplemental license required by Section 70-2-201(a)(2)(D), in addition to any other form of validation the wildlife resources agency elects to issue for such license.

On motion, Amendment No. 1 was adopted.

Rep. Cross moved that **House Bill No. 2787**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**\*House Bill No. 2099** -- Economic and Community Development - Includes in industrial development projects redevelopment of areas of closed or downsized federal installations. Amends TCA Section 7-53-101 and Section 7-53-301. by \*Haley. (SB3083 by \*Leatherwood)

Rep. Haley moved that **House Bill No. 2099** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 97  
Noes ..... 0  
Present and not voting ..... 2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea),

Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

Representatives present and not voting were: Brooks, Brown -- 2.

A motion to reconsider was tabled.

**\*House Bill No. 2227** -- Tobacco, Tobacco Products - Permits county and municipal law enforcement agencies to receive 50 percent of net proceeds realized from confiscated contraband tobacco products seized by officer of agency. Amends TCA 67-4-1021. by \*Haley, \*McDaniel. (SB2242 by \*Fowler, \*Atchley)

On motion, House Bill No. 2227 was made to conform with **Senate Bill No. 2242**; the Senate Bill was substituted for the House Bill.

Rep. Haley moved that **Senate Bill No. 2242** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 99  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**\*House Bill No. 2228** -- Taxes - Authorizes department of revenue to automatically refund or credit estimated taxes paid in excess of actual liability without audit review. Amends TCA 67-1-1802. by \*Walley, \*McDaniel. (SB2243 by \*McNally, \*Atchley)

On motion, House Bill No. 2228 was made to conform with **Senate Bill No. 2243**; the Senate Bill was substituted for the House Bill.

Rep. Walley moved that **Senate Bill No. 2243** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 98  
Noes ..... 0



Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**\*House Bill No. 2486** -- Game and Fish Laws - Creates permanent \$10.00 sport combination hunting and fishing license for those permanently restricted to wheel chair. Amends TCA Section 70-2-104(a)(3). by \*Odom. (SB2826 by \*Ramsey)

Rep. Odom moved that **House Bill No. 2486** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	99
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**\*House Bill No. 2266** -- County Officers - Authorizes county executive to adopt personnel policy for employees of office. Amends TCA Title 5, Chapter 23. by \*Curtiss. (SB2286 by \*Rochelle)

On motion, House Bill No. 2266 was made to conform with **Senate Bill No. 2286**; the Senate Bill was substituted for the House Bill.

Rep. Curtiss moved that Senate Bill No. 2286, be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State & Local Government Committee Amendment No. 1.

Rep. Curtiss moved that **Senate Bill No. 2286** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	98
Noes .....	0
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

**House Bill No. 1885** -- Solid Waste Disposal - Expands definition of waste tire to include tire no longer suitable for its original intended purpose because of age in addition to wear, damage or defect under Solid Waste Management Act. Amends TCA Title 68, Chapter 211. by \*Eckles, \*Ford S, \*Rinks, \*Phelan, \*McKee. (\*SB1729 by \*McNally, \*Harper)

On motion, House Bill No. 1885 was made to conform with **Senate Bill No. 1729**; the Senate Bill was substituted for the House Bill.

Rep. Eckles moved that Senate Bill No. 1729, be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1729 By deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-211-867, is amended by deleting the section in its entirety and by substituting instead the following:

(a) The Department of Environment and Conservation is directed to develop a program to manage the waste tire program for beneficial end use.

(b) For the purposes of this section "beneficial end use" shall include the following:

(1) Cement manufacturing; or

(2) Burning of tire-derived fuel in contained industrial boilers for the capture of energy; or

(3) Production of tire-derived fuel, provided the department approves the planned use of the processed tire material; or

(4) The crumbling or pyrolysis of tire material, provided the processor provides for the planned use of the processed tire material under such requirements established by the department; or

(5) Any use otherwise deemed appropriate by the Department of Environment and Conservation and for which either the board has promulgated rules or the department has developed and published policies; provided, however, this section shall not be construed to require or mandate the use of products or materials resulting from waste tires. The board shall not promulgate any rules, and the department shall not establish any policies mandating the use of products or materials resulting from waste tires. It is the specific intent of the General Assembly that any use of products resulting from the waste tire program is entirely voluntary on the part of the end user.

(c)(1) From funds available from the solid waste management fund, the department shall contract for services of a mobile tire shredder to operate throughout the state as waste tire disposal needs may require. If the department contracts for the services of a shredder with a county or municipality, such local government may receive a rebate on the state surcharge paid in its locality on the tipping fee authorized by this part for the budget allocation for a shredder.

(2) The department is authorized to use funds available from the solid waste management fund to contract directly with an approved beneficial end user or their designated agent for recycling of waste tires. Each beneficial end user or agent awarded such a contract shall demonstrate to the department's satisfaction the ability to provide collection, management and transportation to its facility of all eligible and available waste tires generated within the area or county specified by the department. Any such contract shall be subject to approval by the county legislative body of each county in whose territory the contract shall be

operative. Any such contract shall also require an appropriate performance bond from any entity producing tire-derived fuel or crumbling or pyrolysis of tire material to insure proper storage, transportation and ultimate sale or disposal of such materials.

(3) From funds available from the solid waste management fund, the department may provide grants to assist counties in locating, collecting and appropriately disposing of waste tires. Any county receiving a grant under this subdivision after July 1, 2000 shall not assess a tipping fee on the waste tires received at a county waste tire collection site so long as the amount of the grant covers the cost of the county's waste tire management program.

(d)(1) A landfill shall not accept whole, unshredded waste tires for disposal. Landfill operators shall segregate whole, unshredded waste tires at landfills and provide a temporary storage area for such tires until tires are transported to an appropriate facility to be used for an approved beneficial end use as defined in this section or the tires are shredded and disposed of pursuant to subsection (d)(2) and regulations promulgated by the board.

(2) A county may not dispose of shredded waste tires in a landfill after July 1, 2002 if the county's net cost for shredding, transporting and disposing of waste tires exceeds the cost of an available beneficial end use. Nothing in this subsection shall prohibit a county from electing to participate in a beneficial end use for waste tires at a cost that exceeds the county's net cost for shredding, transporting and disposing of waste tires in a landfill.

SECTION 2. Tennessee Code Annotated, Section 68-211-111(a)(1), is amended by deleting subdivision (E) and substituting instead the following:

One (1) person engaged in the business of management of solid wastes or hazardous materials to be appointed by the Governor.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Eckles moved that **Senate Bill No. 1729**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	99
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**\*House Bill No. 2209** -- Commerce and Insurance, Dept. of - Permits division of regulatory boards to assess departmental costs incurred during disciplinary proceedings upon sanctioned person or entity. Amends TCA Title 56, Chapter 1, Part 3. by \*Boyer, \*McDaniel. (SB2224 by \*Ramsey, \*Atchley)

On motion, House Bill No. 2209 was made to conform with **Senate Bill No. 2224**; the Senate Bill was substituted for the House Bill.

Rep. Boyer moved that Senate Bill No. 2224 be passed on third and final consideration.

Rep. Boyer moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Boyer moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Boyer moved that Senate Bill No(s). 2224 be reset for the Regular Calendar on February 23, 1998, which motion prevailed.

**\*House Bill No. 2801** -- County Government - Provides that qualifications for chief administrative officer of Cannon County highway department is four years experience in supervisory capacity in highway construction or maintenance or related field. Amends TCA Title 54, Chapter 7, Part 1. by \*Buck. (SB3368 by \*Burks)

Rep. Buck moved that **House Bill No. 2801** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	82
Noes .....	7
Present and not voting .....	4

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Halteman-Harwell, Hargett, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kerr, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Walker (Blount), Walker (Rhea), Walley, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 82.

Representatives voting no were: Caldwell, Cooper, DeBerry L., Kernell, Miller, Ritchie, Towns -- 7.

Representatives present and not voting were: Brooks, Jones U., McMillan, Turner (Shelby) -- 4.

A motion to reconsider was tabled.

**House Bill No. 2941** -- Dyer - Subject to local approval, redefines "voter" to include owners of certain amount of taxable real estate located in corporate limits; revises election date for board of mayor and aldermen to coincide with general election date. Amends Chapter 267 of the Acts of 1899; as amended. by \*Phelan. (SB3107 by \*Carter)

Further consideration of House Bill No. 2941, previously considered on February 18, 1998, at which time it was objected to on the Consent Calendar and reset to today's Regular Calendar.

Rep. Phelan moved that House Bill No. 2941 be passed on third and final consideration.

Rep. McKee moved the previous question, which motion prevailed.

Rep. Phelan moved that **House Bill No. 2941** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	81
Noes .....	8
Present and not voting .....	4

Representatives voting aye were: Armstrong, Arriola, Bird, Bittle, Bone, Boner, Boyer, Buck, Burchett, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 81.

Representatives voting no were: Beavers, Bowers, Brooks, Chumney, Hargett, Kernell, Towns, Turner (Shelby) -- 8.

Representatives present and not voting were: Brown, Caldwell, Jones U., Miller -- 4.

A motion to reconsider was tabled.

**House Bill No. 2950** -- Sullivan County - Subject to local approval, amends charter relative to the authority and responsibilities of county purchasing agency. Amends Chapter 261 of the Private Acts of 1947. by \*Westmoreland, \*Godsey, \*Mumpower. (SB3159 by \*Ramsey)

Further consideration of House Bill No. 2950, previously considered on February 18, 1998, at which time it was objected to on the Consent Calendar and reset to today's Regular Calendar.

Rep. Westmoreland moved that House Bill No. 2950 be passed on third and final consideration.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Westmoreland moved that **House Bill No. 2950** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	92
Noes .....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Brooks -- 1.

A motion to reconsider was tabled.

**UNFINISHED BUSINESS**

**RULES SUSPENDED**

Rep. Bittle moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 458 out of order, which motion prevailed.

**Senate Joint Resolution No. 458** -- Memorials, Personal Achievement - F. Matthew Schweinberg, Jr., Eagle Scout. by \*Atchley, \*Gilbert.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Bittle, the resolution was concurred in.

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. Boner moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 465 out of order, which motion prevailed.

**Senate Joint Resolution No. 465** -- Naming and Designating - Brotherhood/Sisterhood Week - February 15-21, 1998. by \*Haynes.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Boner, the resolution was concurred in.

A motion to reconsider was tabled.

**BILLS WITHDRAWN**

On motion of Rep. Bowers, **House Bill No. 1130** was recalled from the Commerce Committee and withdrawn from the House.

On motion of Rep. Bowers, **House Bill No. 1911** was recalled from the Education Committee and withdrawn from the House.

On motion of Rep. Bowers, **House Bill No. 519** was recalled from the Health & Human Resources Committee and withdrawn from the House.

On motion of Rep. Fraley, **House Bill No. 2074** was recalled from the Judiciary Committee and withdrawn from the House.

**ANNOUNCEMENTS**

Rep. Hargrove moved that the House dispense with session on Wednesday, February 25, 1998, which motion prevailed.



**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 2423:** Rep(s). Pleasant and Haley as prime sponsor(s).

**ENGROSSED BILLS  
February 19, 1998**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2791.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE  
February 19, 1998**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2161, 2791 and 3089; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS  
February 19, 1998**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2099, 2205, 2437, 2486, 2554, 2787, 2801, 2941 and 2950, also, House Joint Resolution(s) No(s). 533, 534, 535, 537 and 538.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENROLLED BILLS  
February 19, 1998**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 3210.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED  
February 19, 1998**

The Speaker signed the following: House Bill(s) No(s). 3210.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**February 19, 1998**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3210; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**  
**February 19, 1998**

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 3210.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**February 19, 1998**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2132, 2134, 2135, 2271, 2272, 2407, 2432, 2530, 2571, 2595, 2607, 2858, 2869, 2963, 3052, 3093, 3151 and 3163; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 2132** -- Sunset Laws - Air pollution control board, June 30, 2001. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 201. by \*Springer, \*Dixon.

**\*Senate Bill No. 2134** -- Sunset Laws - Solid waste disposal control board, June 30, 2001. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 211. by \*Springer, \*Dixon.

**\*Senate Bill No. 2135** -- Sunset Laws - Ground water management review board, June 30, 2001. Amends TCA Title 4, Chapter 29 and Title 69, Chapter 11. by \*Springer, \*Dixon.

**\*Senate Bill No. 2271** -- County Government - Removes requirement that each employee be given copy of county personnel policy; replaces requirement with provision requiring employee access to copy of such policy. Amends TCA Section 5-23-107. by \*Kurita.

**Senate Bill No. 2272** -- Contractors - Exempts Houston County (1) from requirement that persons building dwellings on private property for resale be licensed and (2) from requiring contractors in Houston County building dwellings or residences on private property for resale, lease, rent or other similar purposes to submit evidence of qualification to engage in contracting or be licensed. Amends TCA Title 62, Chapter 6. by \*Kurita.

**\*Senate Bill No. 2407** -- Schools, Private and Charter - Updates references to accrediting agencies for private business schools. Amends TCA Section 49-4-301. by \*Womack.

**\*Senate Bill No. 2432** -- Zoning - Permits city board of zoning appeals to have three, five or nine members rather than three or five members. Amends TCA Title 13, Chapter 7, Part 2. by \*Crutchfield, \*Fowler.

**\*Senate Bill No. 2530** -- Utilities, Utility Districts - Authorizes water and/or sewer utility, operated by metropolitan government, to participate with local housing authority to provide certain services. Amends TCA Title 7, Chapter 3, Part 3. by \*Rochelle.

**Senate Bill No. 2571** -- Municipal Government - Clarifies authority of mayor-alderman governing body to adopt matters other than ordinances on one day; ordinances still require action on 2 separate days; requires all votes on all matters to be recorded; permits body to provide by ordinance for municipal court costs. Amends TCA Section 6-2-102 and Section 6-2-201. by \*Haun.

**\*Senate Bill No. 2595** -- Uniform Commercial Code - Rewrites UCC law on letters of credit. Amends TCA Title 47, Chapter 5; Section 47-1-105(2); Section 47-1-206(2); Section 47-4-104(6); Section 47-5-114; and Title 47, Chapter 9. by \*Herron.

**\*Senate Bill No. 2607** -- Motor Vehicles - Revises from one day to seven days time within which local law enforcement agency should forward written report of motor vehicle accident to department of safety; requires department to monitor timeliness of forwarding of such reports. Amends TCA Section 55-10-108. by \*Herron.

**Senate Bill No. 2858** -- Tennessee Wildlife Resources Agency - Requires financial reports to be provided on request of members of general assembly rather than at discretion of governor. Amends TCA Title 70. by \*Springer, \*Dixon.

**Senate Bill No. 2869** -- Administrative Procedure - Specifies that functions or duties of departments or agencies of state government that have been transferred to another department or agency will be subject to review by government operations committees within two years of such transfer. Amends TCA Title 4, Chapter 29. by \*Springer, \*Dixon.

**\*Senate Bill No. 2963** -- Housing - Removes conflict of interest provision that applies specifically to housing authorities; specifies that housing authority personnel subject to same conflict of interest provisions governing other public contracts. Amends TCA Title 13, Chapter 20. by \*Gilbert.

**\*Senate Bill No. 3052** -- Water - Requires water quality control board to establish notification registry to ensure any affected member of public notified ten days before any public hearing conducted on proposed board action. Amends TCA Title 69, Chapter 3. by \*Springer, \*Dixon.

**Senate Bill No. 3093** -- Parks, Natural Areas Preservation - Increases acreage and adds new areas to designated natural areas administered by department of environment and conservation. Amends TCA 11-14-108. by \*Elsea, \*Atchley, \*Cooper, \*Crowe, \*Williams, \*Rochelle, \*Springer, \*Womack.

**\*Senate Bill No. 3151** -- Education, Higher - Rewrites portions of BEST program. Amends TCA Sections 49-7-802, 49-7-805(16), 49-7-807, 49-7-809(d), 49-7-809(e) and 49-7-810(c). by \*Haynes, \*Dixon.

**Senate Bill No. 3163** -- Bond Issues - Permits funding board to issue debt for discount and costs of issuance. Amends TCA Title 9, Chapter 9. by \*Henry.

**MESSAGE FROM THE SENATE**  
**February 19, 1998**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2079, 2288 and 2307; also, Senate Joint Resolution(s) No(s). 349, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 436, 438, 441, 445 and 465 for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE GOVERNOR**  
**February 19, 1998**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 524 and 532, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

**ENROLLED BILLS**  
**February 19, 1998**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 516; also, House Resolution(s) No(s). 141, 158 and 160.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**  
**February 19, 1998**

The Speaker signed the following: House Joint Resolution(s) No(s). 516; also, House Resolution(s) No(s). 141, 158 and 160.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**  
**February 19, 1998**

The Speaker signed the following: Senate Joint Resolution(s) No(s). 465.

**CONSENT CALENDAR**  
**February 19, 1998**

The following local bills have been placed on the Consent Calendar for **February 23, 1998**: House Bill(s) No(s). 2987, 3038 and 3369.

**ROLL CALL**

The roll call was taken with the following results:

Present ..... 98

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

**RECESS MOTION**

Rep. Hargrove moved that the House stand in recess, pursuant to House Joint Resolution No. 526, to meet with the Senate in Joint Convention and for the State of the Judiciary address by the Chief Justice of the Supreme Court, after which the House recessed until 5:00 p.m., Monday, February 23, 1998.